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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/005,399
	Filing Date	12/05/2001
	First Named Inventor	David E. Petersen
	Group Art Unit	2636
	Examiner Name	Nguyen, Hung T.
Total Number of Pages in This Submission	Attorney Docket Number	120362 (322)

ENCLOSURES <i>(check all that apply)</i>		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David G. Maire, Esquire Reg. No. 34,865 Beusse, Brownlee, Wolter, Mora & Maire, P. A.
Signature	<i>David G. Maire</i>
Date	6/9/2005

CERTIFICATE OF MAILING			
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Typed or printed name	Juliana Maire		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Applicants:	David E. Petersen, et al)
)
Examiner:	Nguyen, Hung T.)
)
Serial No.:	10/005,399)
)
Filed:	12/05/2001)
)
Group Art:	2636)
)
Attny. Docket:	120362 (322))
)
For:	LOCOMOTIVE HAND BRAKE ALARM	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The applicants appreciate the allowance of the subject application but feel compelled to comment on the Examiner's statement of reasons for allowance contained in the Notice of Allowability.

MPEP 1302.14 provides that the statement of reasons for allowance "is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth." Applicant respectfully disagrees with the Examiner's statement of reasons for allowance because his statement may have unintentionally introduced some ambiguity into what was otherwise a concise and thorough examination of the claims of this patent application. Under the press of time, the Examiner appears to have formulated his statement into one long sentence that ties together many limitations of the various independent claims without providing a distinct differentiation between those claims. Thus, the Examiner's statement may mistakenly be construed as indicating that all of


the listed limitations are necessary for the allowance of any one claim. The statement might give the impression that each of the limitations and operational relationships present in the statement are present in all of the claims, and this is just not so.

By way of example and without attempting to reiterate each of the patentability aspects that may have been discussed throughout the examination of this case, the applicants note that independent claim 3 includes the "logic device" mentioned in the Examiner's statement, but independent claim 10 does not. Furthermore, claim 10 includes the "mechanism defining a load path" mentioned in the Examiner's statement, but claim 3 does not.

The applicants do not disagree that the stated reasons for allowance are adequate for the allowance of a claim. However, the applicants respectfully submit that any ambiguity in the prosecution history that could arguably result from the statement of reasons for allowance should not be interpreted against the applicants, since the express language of each of the claims resulting from the thorough and rigorous examination of the application should supersede and control over any paraphrasing or exemplary language used as part of the statement of reasons for allowance.

The applicants understand that the Examiner may review and respond to the comments set forth herein at his discretion.

Respectfully submitted,



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